IOI-434CIP

PATENTAPPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Pa	atent Application)	
Applicant:	Johnson et al.) I hereby certify that this paper is being transmitted facsimile to: Barbara, c/o the Pre-Grant Publice Division, U.S. Patent and Trademark Office, (703)	ition
Serial No.	10/613,323	8568 on the date below.	• • •
Filed:	July 3, 2003) <u>January 10, 2005</u>) Date Registration No. 41,017	
For: MOD	ULAR KNEE PROSTHESIS) Attorney for Applicants)	
Art Unit:	3738))	
Examiner:	Suzette Jamie Jackson	<i>)</i>)	

PETITION TO WITHDRAW FROM ISSUE UNDER 37CFR 1.313(c)(3)

Mail Stop Express Abandonment Pre-Grant Publication Division U.S. Patent and Trademark Office Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests express abandonment of the above-captioned application in favor of Continuing Application No. 11/009,498.

In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition therefore and authorizes that any charges be made to Deposit Account No. 50-2779, ZIMMER TECHNOLOGY, INC.

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In Re U.S. Pa	tent Application)	
Applicant:	Johnson et al.) facsimile to: Barbara,	s paper is being transmitted via c/o the Pre-Grant Publication ed Trademark Office, (703) 305-
Serial No.	10/613,323	8508 on the date below.	
Filed:	July 3, 2003) <u>January 10, 2005</u>) Date	Registration No. 41,017
For: MOD	ULAR KNEE PROSTHESIS)	Atlorney for Applicants
Art Unit:	3738)	
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If any questions regarding this Application should arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

ZIMMER TECHNOLOGY, INC.

By

Jonathan D. Feuchtwang, Esq. Registration No. 41,017

January 10, 2004 Zimmer Technology, Inc. 150 North Wacker Drive Suite 1200 Chicago, Illinois 60606

Telephone: (312) 372-2859

(312) 372-2906 Facsimile:

jonathan.feuchtwang@zimmer.com

Customer No. 37235

IOI-434CIP

PATENTAPPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Pa	tent Application)
Applicant:	Saladino et al.) I hereby certify that this paper is being transmitted via) facsimile to: Barbara, c/o the Pre-Grant Publication Division, U.S. Patent and Trademark Office, (703) 305-
Serial No.	10/613,323	8568 on the date below.
Filed:	July 3, 2003) January 10, 2005) Date Registration No. 41,017 Attorney for Applicants
For: MOD	ULAR KNEE PROSTHESIS)
Art Unit:	3738)
Examiner:	Suzette Jamie Jackson)

FACSIMILE TRANSMITTAL

Pages including cover sheet: 9

Attached is the following:

Transmittal; Fee Transmittal; Express Abandonment Under 37 CFR 1.138; and Petition to Withdraw From Issue

- (X) If a Petition under 37 C.F.R. 1.136(a) for an extension of time for response is required to make the attached response timely and does not separately accompany this transmittal, Applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2779. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2779. A duplicate copy of this sheet is enclosed.

January 10, 2005 Zimmer Technology, Inc. 150 North Wacker Drive Suite 1200 Chicago, Illinois 60606

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Filed:	July 3, 2003)	<u>January JO, 2005</u> Date	Registration No. 41,017 Attorney for Applicants
For: MODU	JLAR KNEE PROSTHESIS	s		1
Art Unit:	3738) 		
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	Application Number	10/613,323
TRANSMITTAL	Filing Date	July 3, 2003
FORM	First Named Inventor	Joseph Saladino
(to be used for all correspondence after initial fill	ing) Art Unit	3738
	Examiner Name	Suzette Jamie Jackson
Total Number of Pages In This Submission 9	Attorney Docket Number	101-434
	ENCLOSURES (Check all tha	t apply)
Fee Transmittal Form	Drawing(s)	After Allowance communication to Technology Center (TC) Appeal Communication to Board
Fee Attached Amendment/Reply	Licensing-related Papers Potition	of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
After Final	Petition to Convert to a Provisional Application	Proprietary Information
Affidevits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Adding	
l — " I i	Terminal Diaclaimer	Other Enclosure(s) (please
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Response to Missing Parts/ Incomplete Application		
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under 37 CFR 1.52 or 1.53		
SIGNATU	RE OF APPLICANT, ATTORNE	Y OR AGENT
Firm Jonathan D. Feuchtwang, Re		- I, OR ACLAI
Individual name		
Signature XXX		
Date January 10, 2004		
	NOICEIMENANT TO STADITI	
I nameby certify that this correspondence is being sufficient postage as first class mail in an envelopment of the date shown below.	facsimile transmitted to the USPTO or open addressed to: Commissioner for Pate	deposited with the United States Poetal Service with onts, P.O. Box 1450, Alexandria, VA 22313-1450 on
Typed or printed name DeniseMoani Nelson		
Signature	Jose The low	Date January 10, 2004
	70 7-	a benefit by the public which is to file (and by the USPTO to

process) an application. Confidentiality is governed by \$5 U.S.C. 122 and \$7 CFR 1.14. This collection is estimated to 2 hours to complete, including pathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any commands on the amount of time you require to complete this form analor suggestions for reducing this burden, should be sent to the CNef information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/17 (10-03) Approved for use through 07/31/2008, OMB 0551-0032 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known FEE TRANSMITTAL 10/613,323 **Application Number** for FY 2004 Filing Date July 3, 2003 Effective 10/01/2003. Patent fees are subject to annual revision. First Named Inventor Joseph Saladino **Examiner Name** Suzette Jamie Jackson Applicant claims small entity status. See 37 CFR 1.27 Art Unit 3738 TOTAL AMOUNT OF PAYMENT (\$) 130.00 101-434 Attorney Docket No METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) Chock Credit card Money Order Other 3. ADDITIONAL FEES Large Entity | Small Entity ✓ Daposti Account Fee Deposit Fee Description Code (\$) Code 50-2779 Account Fee Paid Number 1051 130 2051 65 Surcharge - late filling fee or oath Dopposit Zimmer Technology, Inc. 1052 50 2052 Surcharge - late provisional filing fee or Account cover sheet Name The Director is authorized to: (check all that apply) 1053 130 1053 130 Non-English specification 1812 2,520 1812 2,520 For filing a request for ex parte reexamination Charge rea(s) Indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) 1804 1804 920° Requesting publication of SIR prior to Charge fee(s) Indicated below, except for the filling fac 1005 1,840 1805 1,840 Requesting publication of SIK after to the above-Identified deposit account, Examiner action 1251 110 2251 FEE CALCULATION Extension for reply within first month 1. BASIC FILING FEE 1252 430 2262 210 Extension for roply within second month arge Entity Small Entity 950 2253 475 Extension for reply within third month Fee Description Fee Paid ode (\$) 1254 1,480 2254 740 Extension for reply within fourth month Code (\$) 1001 770 2001 385 1255 2,010 Utility filing fee 2255 1,005 Extension for reply within fifth month 1002 340 2002 170 Design filling fee 1401 330 2401 165 Notice of Appeal 1003 530 2003 285 Plant filing foc 1402 330 2402 165 Filing a brief in support of an appeal 1004 770 2004 385 Reissue filing fee 1403 290 2403 145 Request for oral hearing 1005 160 2005 80 Provisional filing fee 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 SUBTOTAL (1) | (\$) 110 2452 55 Petition to revive - unavoldable 1453 1,330 2453 685 Patition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1,330 665 Utility iskup fee (or roissue) 2501 Ext<u>ra Claim</u>s 1502 480 2502 240 Design issue fee **Total Claims** 1503 840 2503 320 Plant Issue fee Independent 1400 130 1480 130 Petitions to the Commissioner 130.00 Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) Large Entity | Small Entity 180 Submission of Information Disclosure Stmt 1806 160 1806 Fee Fee Cade (\$) Foo Description Code (8) 40 Recording each patent assignment per 8021 40 **B021** 1202 property (times number of properties) 18 2202 Claims In excess of 20 1809 770 2809 385 Filing a submission after final rejection 1201 88 2201 Independent claims in excess of 3 43 (37 CFR 1.129(a)) 1203 290 2203 145 Multiple dependent claim, if not paid 1810 770 2810 385 For each additional invention to be 1204 Reissue independent dalms examined (37 CFR 1.129(b)) 86 2204 43 over original patent 2801 1801 770 Request for Continued Examination (RCE) 1205 2205 ** Relssue claims in excess of 20 18 ġ 1802 900 1802 900 Request for expedited examination and over original patent of a design application Other fee (specify) (\$) SUBTOTAL (2) *Reduced by Basic Filing Fee Pald or number previously paid, if greater; For Relssues, see above SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type)

Jonathan D. Feuchtwang

Registration No. (Attamey/Agent)

Attamey/Agent)

Registration No. (Attamey/Agent)

Date

January 10, 2004

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Jonathan D. Feuchtwang	Rund	etrette= 1	No.		(Complete	(# applicable))	
maturo Communication D. Feuchwang	IAttor	stration (nov/Apeni	vo. 41,0)17	Telephone	312 372 2860	
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